

**MINUTES  
FREMONT CITY COUNCIL MEETING  
MARCH 20, 2012  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

- a. Call to Order:** Mayor Morrison called the meeting to order.
- b. Flag Salute:** Councilmember Harrison led the salute to the flag.
- c. Roll Call:** Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. Announcements by Mayor/City Manager**

**2. CONSENT CALENDAR**

- \* **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- \* **b. Approval of Minutes – None.**

- \* **c. Mayor Morrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Section 2-1103 Relating to City Council Payroll Processing**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council adopted Ordinance No. 03-2012.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- \* d. **Mayor Morrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Title V, Chapter 1, to give Clean Technology and Biotechnology Businesses a Temporary Exemption from Payment of Business Taxes**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council adopted Ordinance No. 04-2012.

Ayes: Mayor Morrison, Vice Mayor Natarajan,  
Councilmembers: Harrison, Chan and Dutra  
Noes: None  
Absent: None  
Abstain: None

- \* e. **Mayor Morrison opened consideration of Approval of Additional Change Order Authority of \$12,000 for the 2011 Slurry Seal Project, City Project No. 8240-C (PWC)**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council increased the City Manager's change order authority by \$12,000 for the City's Slurry Seal contract with Bond Blacktop, thereby allowing staff to make the final payment to the contractor and close out the contract.

Ayes: Mayor Morrison, Vice Mayor Natarajan,  
Councilmembers: Harrison, Chan and Dutra  
Noes: None  
Absent: None  
Abstain: None

- \* f. **Mayor Morrison opened consideration of Authorization for the City Manager to Execute a FY 2011/12 and FY 2012/13 Contract with Abode Services for the Rental Housing Subsidies HOPE Rapid Re-Housing Program (Formerly Winter Relief Program) and Appropriate \$50,000 in FY 2011/12 HOME Funds to the Rapid Re-Housing Program**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Authorized the City Manager or designee to enter into an agreement in the amount of \$100,000 with Abode Services for FY 2011/12 and FY 2012/13, the second year of which is contingent upon adoption of the FY 2012/13 operating budget, in compliance with all applicable requirements of the HOME Program and of the federal Department of Housing and Urban Development, and to execute any other implementing documents.
2. Appropriated \$50,000 in HOME funds to account 103.HHD.6115, HOPE Rapid Re-Housing Program, for FY 2011/12, and allocate \$50,000 in HOME funds for the HOPE Rapid Re-Housing Program for FY 2012/13, contingent upon the adoption of the FY 2012/13 operating budget.

Ayes: Mayor Morrison, Vice Mayor Natarajan,  
Councilmembers: Harrison, Chan and Dutra  
Noes: None  
Absent: None  
Abstain: None

\* **g. Mayor Morrison opened consideration to Reject All Bids for Heating Ventilation and Air Conditioning Units Replacement at Fremont Main Library (City Project No. PWC 8754)**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council rejected all bids and authorized staff to rebid the construction contract for the HVAC Units Replacement at the Main Library, City Project No. 8754 (PWC).

Ayes: Mayor Morrison, Vice Mayor Natarajan,  
Councilmembers: Harrison, Chan and Dutra  
Noes: None  
Absent: None  
Abstain: None

\* **h. Mayor Morrison opened consideration of an Annual Report on the Status of the General Plan and Housing Element**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Held public hearing
2. Found the Annual Report is not subject to the requirements of the CEQA per CEQA Guidelines Section 15378(b)(5), definition of a "project".
3. Found that the Annual Report of the General Plan and Housing Element and Exhibit A accurately depict the current status of the City of Fremont with respect to the General Plan and Housing Element and direct staff to submit required materials to the appropriate agencies.

Ayes: Mayor Morrison, Vice Mayor Natarajan,  
Councilmembers: Harrison, Chan and Dutra  
Noes: None  
Absent: None  
Abstain: None

\* **i. Mayor Morrison opened consideration of Approval of Final Map, Agreements for Construction of Public Improvements (Harvard Court) and Private Improvements (Harvard Common), and Dedication of Public Easements for Tract 8052**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council adopted Resolution No. 2012-12:

1. Approving the Final Map and the Improvement Plans for Tract 8052.
2. Approving the Agreement for Public Improvements entitled “Improvement Agreement, Public Street Improvements, Tract 8052”, with the developer, Robson Homes, LLC., a California limited liability company, and authorizing the City Manager to execute the agreement on behalf of the City.
3. Approving the Agreement for Private Improvements entitled “Improvement Agreement, Private Street Improvements, Tract 8052”, with the developer, Robson Homes, LLC., a California limited liability company, and authorizing the City Manager to execute the agreement on behalf of the City.
4. Accepting the developer’s offer of dedication of easements, as identified on the Final Map, provided that the acceptance of the offer of dedication of easements for public streets, highways, rights-of-way, and public utilities shall be conditioned upon the developer’s completion of improvements to the satisfaction of the City Engineer.

Ayes: Mayor Morrison, Vice Mayor Natarajan,  
Councilmembers: Harrison and Chan

Noes: None

Absent: None

Abstain: Councilmember Dutra

### **3. CEREMONIAL ITEMS**

- a. **Resolution: Honoring Ruby Wun for 30 Years of Service**

### **4. PUBLIC COMMUNICATIONS**

- a. **Oral and Written Communications**

Rena Kkehn, Niles Essanay Silent Film Museum, shared that they were celebrating the 100<sup>th</sup> Anniversary on April 1<sup>st</sup>. Dan Ashbrook, Director of Lavender Seniors of the East Bay, spoke in support of a proclamation that was provided to the Human Relations Commission. Miram Keller, League of Women Voters, encouraged citizens to become involved in their government. Christina Broadwin, Save Kimber Park and Protect Fremont Open Space Committee, provided information regarding the study area community meetings. May M. Lee expressed concerns about parking issues on Stanford Avenue and provided a petition to the City Clerk. Edward Wusterhoff, Save Kimber Park, provided an update on the developer-led workshops. Linda Susoev expressed a variety of concerns.

### **5. SCHEDULED ITEMS – None.**

### **6. REPORT FROM CITY ATTORNEY – None.**

## 7. OTHER BUSINESS

### a. Mayor Morrison opened consideration of Fremont Detention Facility Alternative Confinement (“Pay-to-Stay”) Program and Adoption of a Resolution Setting Corresponding Rates

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council approved the creation of an Alternative Confinement (“Pay-to-Stay”) program at the Fremont Detention Facility, and adopted Resolution No. 2012-13 establishing a one-time administrative processing fee of \$45 per participant, and a daily rate of \$155 per participant.

Ayes: Mayor Morrison, Vice Mayor Natarajan,  
Councilmembers: Harrison, Chan and Dutra  
Noes: None  
Absent: None  
Abstain: None

### b. Mayor Morrison opened consideration of Proposed Refunding of City of Fremont 2001 and 2001B Variable Rate Demand Certificates of Participation (COPs)

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Approved the issuance of the 2012 Variable Rate Certificates of Participation with a principal amount not to exceed \$35,000,000, and approve the refunding of the existing 2001 and 2001B Certificates of Participation.
2. Adopted Resolution No. 2012-14 authorizing the preparation and execution by the City officers and staff identified in the resolution of all documents required to complete the 2012 Variable Rate Certificates of Participation transaction, including the following lease financing documents (which are and have been on file with the Office of the City Clerk) in connection with the 2012 Variable Rate Certificates of Participation:
  - a. Site and Facility Lease
  - b. Lease Agreement
  - c. Trust Agreement with Union Bank
  - d. Reimbursement Agreement with Wells Fargo Bank
  - e. Remarketing Agreement with U.S. Bank
  - f. Certificate Purchase Agreement with U.S. Bank
  - g. Official Statement
  - h. Other administrative documents incidental to the transaction

Ayes: Mayor Morrison, Vice Mayor Natarajan,  
Councilmembers: Harrison, Chan and Dutra  
Noes: None  
Absent: None  
Abstain: None

## 8. COUNCIL COMMUNICATIONS

### a. Council Referrals

#### 1. MAYOR MORRISON REFERRAL: Appointments to advisory bodies

By consensus, the City Council appointed:

##### Appointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Historical Architectural Review Board	Rajesh Verma	December 31, 2015
Historical Architectural Review Board	Moina Shaiq	December 31, 2015
Historical Architectural Review Board	Alta Jo Adamson	December 31, 2013
Economic Development Advisory Commission (Commercial/Industrial)	Deep Chakraborty	December 31, 2014
Economic Development Advisory Commission (Commercial/Industrial)	Ruth Chao	December 31, 2013

#### 2. COUNCILMEMBER HARRISON REFERRAL: I am proposing that we direct staff to name the Fremont Police building after Retired Fremont Police Chief and former Mayor, Bob Wasserman. Bob Wasserman served the people of Fremont since 1976, when he was appointed chief of police; he was elected to the City Council in 1992 and was elected mayor in 2004. Chief Wasserman was instrumental in building the Fremont Police Department to the outstanding department it is at now.

Mayor Wasserman brought his 40 years of law enforcement experience to the City Council. As a Councilmember and continuing as Mayor, Bob Wasserman brought a fair, rational and balanced approach to City Government. As the HRC recently noted, he also embraced social justice--appointing commissioners from many backgrounds and encouraging social and religious pluralism--guiding Fremont as it transformed into a multi-cultural city.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council approved naming the Fremont Police building after Retired Fremont Police Chief and former Mayor, Bob Wasserman.

Ayes: Mayor Morrison, Vice Mayor Natarajan,  
Councilmembers: Harrison, Chan and Dutra  
Noes: None  
Absent: None  
Abstain: None

### b. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

**9. SUCCESSOR AGENCY – None.**

**10. ADJOURNMENT:** There being no further business, Vice Mayor Natarajan adjourned the meeting at 8:10 p.m.

Attest:

Approved:

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Nadine Nader, City Clerk

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GUS MORRISON, Mayor